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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF TEXAS

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KINGSLEY IBEH,

Petitioner,

*versus*

MARK MARTIN,

Respondent.

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CIVIL ACTION NO. 1:11-CV-673

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Kingsley Ibeh, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

The respondent filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

Petitioner challenges three prison disciplinary convictions. In his objections, he states prison officials failed to comply with prison regulations during the disciplinary proceedings. Even if petitioner is correct, this allegation would not entitle him to relief. Failure to follow prison regulations, standing alone, does not constitute a violation of a petitioner's due process rights. *Murphy v. Collins*, 26 F.3d 541, 543 (5<sup>th</sup> Cir. 1994). "A prison official's failure to follow the prison's own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met." *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5<sup>th</sup> Cir.

1996). In *Wolff v. McDonnell*, 418 U.S. 539 (1974), the Supreme Court established the process due an inmate charged with violating prison rules. As petitioner has not established he was denied any of the procedural protections established in *Wolff*, he is not entitled to relief. The objections are therefore without merit.

#### ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED** as the opinion of the court. The respondent's motion for summary judgment is **GRANTED**. A final judgment shall be entered denying the petition in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 15th day of May, 2013.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE